

REMARKS

The present document is submitted in reply to the Office Action dated October 30, 2008 ("Office Action").

Applicants have amended claims 1, 11, and 27 to more particularly and distinctly point out the subject matter they deem as their invention. Support for the amendments can be found in the Specification, e.g., at page 3, lines 1, 2-6, 21-23, and 27, and page 4, line 20. Applicants have also amended claims 27 and 32-34 to change their dependency and cancelled claims 5, 6, 10, 15, 16, 20, 30, 31, and 35-38. Finally, Applicants have amended the Specification to correct an error. These amendments have not introduced new matter.

Upon entry of the present amendments, claims 1, 3, 11, 27-29, and 32-34 will be pending. Among them, claim 11 has been withdrawn from consideration and claims 1, 3, 27-29, and 32-34 are under examination.

A favorable consideration of this application is respectfully solicited in view of the following remarks.

Objection to Specification

Referring to a passage in the Specification (page 3, lines 4-5), i.e., "the major composition of a sorghum liquor waste was ... crude lipids (4-7%) ... lipids (20%) ...," the Examiner questions how a sorghum liquor waste could contain 4-7% crude lipids and also 20% lipids. See the Office Action, pages 2-3, bridging paragraph. Following the Examiner's suggestion, Applicants have deleted the phrase "lipids (20%)."

Allowable Subject Matter

The Examiner states that the present application would be allowable if Applicants amend claim 1 in the manner set forth in the Office Action, page 8, first paragraph, and amend or cancel certain of its dependent claims in view of the suggested amendments to claim 1. See the Office Action, pages 7-8.

Following the Examiner's recommendations, Applicants have (1) amended claim 1 in the manner suggested by the Examiner, (2) cancelled claims 5, 6, 10, 30, 31, and 35-

38, (3) changed the dependency of claims 27 and 32-34 to claim 1, and (4) further amended claim 34 to recite “phytase,” one of the enzymes recited in amended claim 1.

Applicants respectfully submit that, upon entry of the above-noted amendments, this application is now in condition for allowance.¹

Withdrawn Claims

Claims 11, 15, 16, and 20 have been withdrawn from consideration for covering non-elected subject matter.

Applicants have amended claim 11 so that it now includes all of the limitations of amended claim 1, which is now in condition for allowance. As acknowledged by the Examiner, amended claim 11 will be rejoined upon allowance of amended claim 1. See the Office Action, page 8, third paragraph.

Claims 15, 16, and 20 have been cancelled.

CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment.

In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed.

Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

¹ In the Office Action, the Examiner raised a number of rejections against the previously presented claims but also suggested how to amend these claims so as to place this application in condition for allowance. Clearly, the Examiner is of the position that his suggested claim amendments would render moot all of the rejections. As Applicants have followed the Examiner's recommendations, they will not address herein these now-moot rejections.

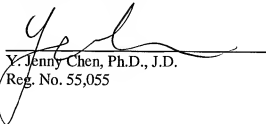
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No fee is believed to be due. Please apply any charges to Deposit Account No.
50-4189, referencing Attorney Docket No. 70002-074001.

Respectfully submitted,

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